

CERTIFICATE OF SERVICE

I, PEGGY L. SIVEY, hereby certify that:

I am not a party to this action. I am over 18 years of age, and I am employed by Constantine Cannon LLP and verify that the following statements are true and accurate.

On the 31st day of July, 2008, I caused to be served a copy of the accompanying:

- ***Notice of Motion by Emigrant Bank to Dismiss the Complaint***
- ***Memorandum of Law in Support of Motion by Emigrant Bank to Dismiss the Complaint***
- ***Declaration of Gordon Schnell dated July 31, 2008,***

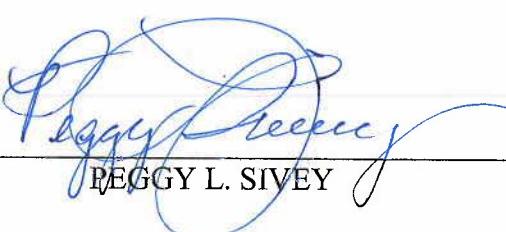
by Electronic Mail upon the following:

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Attorneys for Plaintiff Stacey Cherny

By:


PEGGY L. SIVEY

Dated: New York, New York
July 31, 2008